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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,543	02/27/2004	Leo F. Schwab	GP-304148	9451

7590 02/08/2007  
LAURA C. HARGITT  
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Detroit, MI 48265-3000

EXAMINER
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KENNEDY, JOSHUA T

ART UNIT	PAPER NUMBER
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3679

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/08/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/789,543

Applicant(s)

SCHWAB, LEO F.

Examiner

Joshua T. Kennedy

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 January 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) 21-27 and 34-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 28-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/12/2007 has been entered.

### ***Election/Restrictions***

Newly submitted claims 21-27 and 34-40 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 21 and 34 are drawn to a specific lamp mounting or retaining (classified in class 362, subclass 549) not a fastener element having a resilient securing structure as originally elected without traverse on 10/11/2005

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 21-27 and 34-40 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claims 28-33 have been examined.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 28-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Yasuda (US Patent 5,740,640).

As to Claim 28. Yasuda discloses a device capable of releasably fastening a lamp assembly having a lamp flange to a bumper fascia having a fascia flange, the device comprising:

an intermediate arm (10);

an upper arm (Examiner considers the upper arm to be the arm extending between arm 10 and fastener 11) extending from the intermediate arm in a first direction that is non-parallel to the intermediate arm;

a first fastener (11) extending from the upper arm and including a return flange (11a) extending parallel to the upper arm, the upper arm and the return flange defining a first channel, the lamp flange capable of being releasably mounted in the first channel;

a lower arm (20) extending from the intermediate arm in a second direction that is opposed to the first direction, the lower arm extending parallel to and spaced along the intermediate arm from the upper arm (Fig 3); and

a second fastener (22) including an attachment arm (25) extending from the intermediate arm in the second direction parallel to and spaced from the lower arm, the attachment arm and the lower arm defining a second channel (Figs 3-5), the fascia flange capable of being mounted in the second channel.

As to Claim 29. Yasuda discloses the upper arm including a first end and an opposed second end (Fig 4), and the return flange is located adjacent to the first end, and the second end includes a radius portion capable of being releasably engaged with a finger extending from the lamp assembly.

As to Claims 30 and 31. Yasuda discloses the first fastener including a projection (Examiner considers the rib on the interior edge of element 11 to be a projection) extending from the upper arm that is capable of being releasably engaged with an aperture in the lamp flange.

As to Claim 32. Yasuda discloses the second fastener including a projection (26) extending from the attachment arm that is capable of being engaged with an aperture in the fascia flange.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yasuda in view of Fukuhara (US Patent 4,696,128).

Yasuda discloses the device significantly as claimed, but does not disclose the device including a rib supportably extending between the intermediate arm and the upper arm. Fukuhara teaches a similar securing clip having a rib (7; Fig 2) extending between an intermediate arm (6) and an upper arm (10) to engage a channel or aperture of a member to be fit within the adjacent channel. It would have been obvious to one of ordinary skill in the art to replace the elastic salient (14) of Yasuda, which can be depressed and disengaged with the associated panel, with the solid, ribbed engaging pawl (7) extending between an intermediate arm and an upper arm as taught by Fukuhara to prevent such detachment of the clip of Yasuda from an aperture or channel of an associated panel.

***Response to Arguments***

Applicant's arguments with respect to claims 21-40 have been considered but are moot in view of the new ground(s) of rejection.

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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua T. Kennedy whose telephone number is (571) 272-8297. The examiner can normally be reached on M-F: 7am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
JTK  
1/29/2007



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